

AMENDED AGENDA #1
HOUSE STATE AFFAIRS COMMITTEE
10:00 A.M.
Room EW40
Tuesday, January 12, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:
<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
	Organizational Meeting	
<u>RS28185</u>	Sessions of the Legislature	Rep. Harris, Rep. DeMordaunt
<u>RS28188</u>	State Disaster Preparedness Act	Rep. Monks
<u>RS28192</u>	State of Disaster Emergency in Idaho	Rep. Scott

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey
Room: EW54
Phone: 332-1145
Email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, January 12, 2021

TIME: 10:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/
EXCUSED:** None

GUESTS: None

Chairman Crane called the meeting to order at 10:00 a.m.

Chairman Crane introduced staff members. He spoke to the committee regarding his expectations for this session. He explained that members of the general public and subject experts will be allowed to testify remotely but agency representatives and legislative advisors must be present to provide testimony. All agency bills must be sponsored by a member of the House State Affairs Committee and RS's may be modified or returned to the sponsor during the introductory hearing. **Chairman Crane** stated he will have a rotating chairmanship, inviting committee members to serve as Chairman for specified meetings and a notice will be provided. He said all meetings will be scheduled for 9:00 a.m. unless otherwise posted and he asked all members of the committee to show respect for all, to respect people's choice to wear or not wear a mask and to be prepared to ask questions.

RS 28185: **Rep. Steve Harris** presented **RS 28185** which would allow the legislature to call themselves into an extraordinary session with a joint written request of at least 60% of the House and Senate. The Fiscal Note indicated that special sessions would cost approximately \$21,300 per day.

Chairman Crane put the committee at ease at 10:09. The committee reconvened at 10:16 a.m.

In response to questions, **Rep. Harris** explained why the word shall vs must is used throughout the document. The word "must" is moving into the legal vocabulary and is the stronger of the two words. He also indicated there are no statutory provisions nor hard coded language in the proposed legislation, making it less prescriptive. There is no intention of requiring the legislature to state the purpose of the session to the public.

MOTION: **Rep. Palmer** made a motion to introduce **RS 28185**. **Motion carried by voice vote.**

RS 28188: **Rep. Monks** presented **RS 28188** to attempt to restore balance between the legislative and executive branch in times of emergency, addressing some flaws in the existing legislation. The legislation would deem all employees as essential and would prevent businesses from being shut down. Emergency declarations would terminate when danger has passed or after 30 days. The legislature could extend and/or modify the emergency declaration through concurrent resolution, if needed. The proposed legislation would prohibit the Governor from limiting constitutional rights and he would not be able to change or suspend Idaho laws.

In response to questions, **Rep. Monks** indicated that if this legislation passes and received a Governor veto, the legislature could override the decision and it would go into effect immediately. A concurrent resolution would need to be passed to continue, limit or modify a declaration, as needed, especially when federal funds are involved. There are no provisions in this legislation for the Governor to have authority to be able to make emergency decisions but there are other laws that do. The Governor is the enforcer of laws.

MOTION: **Rep. Furniss** made a motion to introduce **RS 28188** with a correction to page 3, line 26, president should be replaced with President. **Motion carried by voice vote.**

RS 28192: **Rep. Scott** presented **RS 28192**, a resolution that would end Idaho's existing emergency declaration. Rep. Scott stated that Idahoan's lives have been greatly disrupted and cited statistics from the CDC that show Idaho has a 99% recovery rate and the death rate is 1/10 of 1%.

MOTION: **Rep. Armstrong** made a motion to introduce **RS 28192**. **Motion carried by voice vote.**

ADJOURN There being no further business to come before the committee, the meeting adjourned at 10:57 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Wednesday, January 13, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
RS28173	Bond and Levy Disclosure	Rep. Ron Nate
RS28175	Reasonable Childhood Independence Act	Rep. Ron Nate

COMMITTEE MEMBERS

Chairman Crane
Vice Chairman Armstrong
Rep Palmer
Rep Barbieri
Rep Holtzclaw
Rep Monks
Rep Scott

Rep Andrus
Rep Young
Rep Furniss
Rep Hanks
Rep Skaug
Rep Gannon
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey
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MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, January 13, 2021

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/
EXCUSED:** Rep. Palmer

GUESTS: None

Chairman Crane called the meeting to order at 9:00 a.m.

RS 28173: **Rep. Nate** presented **RS 28173** which would ensure transparency in bond and levy elections by ensuring full disclosure of anticipated tax increases to voters. It would also preclude additional distracting information about other bond and levy obligations which are not included in the ballot question.

Rep. Nate explained this proposed legislation would ensure voters have a clear understanding of how their tax dollars will be used and how they will be effected with passage of the bond or levy. It will require county clerks to include a brief official statement in simple, understandable language, and information about the proposed bond or levy. It also limits language to each bond or levy on the ballot. Reference to a bond or levy not on the ballot will be prohibited. Failure to comply would result in a fine.

In response to questions, **Rep. Nate** said he will research precedence that has been set for issuing fines for non-compliance. He also clarified the intent is to fine the County Clerk's Office, not the individual. Some language will need to be changed to reflect this intent.

MOTION: **Rep. Scott** made a motion to introduce **RS 28173** with the following changes: Page 2 Line 12 - add the word question after ballot; Page 2 Line 16 - replace clerk with clerk's office; Page 2 Line 47 - add question after ballot; Page 3 Line 2 - replace clerk with clerk's office. **Motion carried by voice vote.**

RS 28175: **Rep. Nate** presented **RS 28175** which clarifies that kids can grow up with reasonable independence in childhood. Currently, Idaho's open-ended definition of neglect leaves parents exposed to frivolous allegations of neglect and authorities responding to these incidences.

The proposed law clarifies that child neglect be defined as actually putting children in obvious danger or denying them truly necessary care and does not include normal actions by parents for encouraging reasonable childhood independence activities. It would protect families across the economic spectrum by affirming parents' rights to allow their children to do things such as walk to and from school, play outside, etc.

Rep. Nate stated the Idaho Department of Health and Welfare received approximately 23,000 reports of child abuse last year. Close to 12,000 of those reports were not valid and 12% of child abuse reports were made between parents. This proposed law has also been designed to help Child Protective Services.

In response to questions, **Rep Nate** stated that current neglect laws do not state specific ages. He also clarified that this legislation does not include withholding medical care for children..

MOTION: Rep. Hanks made a motion to introduce **RS 28175. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:53 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Thursday, January 14, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
RS28199	Parental Rights	Rep. Dixon
RS28229	Governor's Emergency Declaration	Rep. Crane

COMMITTEE MEMBERS

Chairman Crane
Vice Chairman Armstrong
Rep Palmer
Rep Barbieri
Rep Holtzclaw
Rep Monks
Rep Scott

Rep Andrus
Rep Young
Rep Furniss
Rep Hanks
Rep Skaug
Rep Gannon
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey
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Phone: 332-1145
Email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, January 14, 2021
TIME: 9:00 A.M.
PLACE: Room EW40
MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias
**ABSENT/
EXCUSED:** None
GUESTS: None

Vice-Chairman Armstrong called the meeting to order at 9:00 a.m.

RS 28199: **Rep. Dixon** presented **RS 28199** to further define Idaho's Parental Rights statutes to state that an emergency order, disaster declaration, etc. cannot be deemed a compelling reason for the State to take away parental rights and remove children from the home during a State of Emergency, such as a natural disaster. Last year, there was concern that children could be removed from their home.

Rep. Dixon responded to questions, saying if parents are separated from their children in times of disaster or emergency and cannot be immediately reunited, the children would be kept together. They would ideally be placed with family or friends, not placed in foster care.

MOTION: **Rep. Monks** made a motion to introduce **RS 28199**. During discussions, Committee concerns were raised whether or not the legislation included both a declaration and an order. **Rep. Dixon** pointed out that Line 18 includes both a declaration and an order. **Motion carried by voice vote.**

RS 28229: **Chairman Crane** presented **RS 28229** lifting the restriction on gatherings of 10 or more individuals under the Governor's Emergency Declaration. This legislation would allow families and classmates to attend sporting events and championship games. It would ensure students may attend milestone events such as prom, plays and other school events. This legislation would also allow attendance at concerts and other public and private events.

Chairman Crane stated this concurrent resolution conveys what the Governor has done is not legal. In the case of sporting events, under the current declaration each athlete from the home team may invite two guests to attend each event. As a consequence, this poses a challenge for families with multiple children. Parents have to choose to attend one child's event and leave other children at home or they miss one child's event to stay home with those who cannot take care of themselves. Grandparents and other extended family members may be excluded, in addition to friends and schoolmates

Chairman Crane said the State Board of Education, Superintendents, schools and parents should be able to give input for their own schools and districts and work together to set gathering policies that make sense for them. As Americans, we take daily risks. People should be able to choose if they want to attend gatherings with more than 10 people, or not.

While State leadership wants "teeth" in enforcement. No arrests have been heard of relating to noncompliance, despite the limited gathering mandate or city/town mask mandates.

MOTION: **Rep. Hanks** made a motion to introduce **RS 28299**. During discussion, several committee members indicated this restriction has been one of the top complaints by constituents. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:37 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary

AMENDED AGENDA #1
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Monday, January 18, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
<u>HJR 1</u>	Sessions of the Legislature	Rep. Harris, Rep. DeMordaunt
<u>HCR 2</u>	Governor's Emergency Declaration	Rep. Ehardt, Chairman Crane

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Crane
Vice Chairman Armstrong
Rep Palmer
Rep Barbieri
Rep Holtzclaw
Rep Monks
Rep Scott

Rep Andrus
Rep Young
Rep Furniss
Rep Hanks
Rep Skaug
Rep Gannon
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey
Room: EW54
Phone: 332-1145
Email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, January 18, 2021

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/
EXCUSED:** None

GUESTS: Matthew Jensen, District 17 Republicans; Demik Hatch and Kyler Stevens, Hillcrest High School in Idaho Falls; Rosa Martinez, Dana Clemeaugh, Monica McKinley, Jessica Marcu, Rebecca DelliCapini and Jim Store, representing themselves

Rep. Barbieri called the meeting to order at 9:00 a.m.

HJR 1: **Rep. Harris** presented **HJR 1**, giving the legislature the ability to call itself back into session. If 60% of the House and Senate request to call the legislature back into session, it could convene within 15 days. He stated this proposed legislation only has a few changes but the changes are important.

All but 14 states have legislatures that can call themselves back into session, as needed. Idaho is in the group of 14 states that do not have the authority to call themselves back into session during an interim period.

Rep. Harris answered questions, sharing that several states require a 2/3 vote, a few require 1/2 +1, and a small number require a 3/5 vote to reconvene. One state requires a 3/4 vote to come together for a special session. He stated that this should be constitutional language, not in code.

Rep. DeMordaunt reiterated the importance of representative governance. She said Idaho hasn't had this in close to a year and it is time to restore the ability to have a representative government in Idaho. She stated that this is the highest priority and ought to be protected in the constitution.

There were concerns about the mechanics. The legislation says that a written request would be submitted to leadership. There is a desire to keep the constitution straight forward. The process could be clarified in statute later, if necessary. Legislative rule-making would only be needed if issues arise with the process.

Matthew Jensen, District 17 Republicans, spoke in support of **HJR 1**. He is in favor of the 60% vote level and the paper trail with a written request. He does not want to see a full-time legislature in Idaho. He suggested a possible joint resolution at set intervals if the session drags on.

Rosa Martinez spoke in support of **HJR 1**. She stated that what happened over the summer was wrong. In June, when the legislature tried to convene, they were told it was not legal.

Dana Clemeaugh spoke in support of **HJR 1**.

In closing remarks, **Rep. Harris** stated that many legislators wanted to come back into session last summer. With this legislation, the legislature would have the ability to convene itself.

MOTION: **Rep. Palmer** made a motion to send **HJR 1** to the floor with a **DO PASS** recommendation.

There was discussion on the motion. Rules currently provide that working committees can convene during the interim. Maybe that would have been a way to address some of the contentious issues. **Rep. Harris** was chairman of a working group and this bill was presented to that group last summer but was not picked up. It was noted the legislature can already call itself back into session. Simplicity was suggested. There was a concern that this proposed legislation is too complicated. Simply state that the legislature can meet when deemed necessary. If it is going to be called a special session, it should have a special purpose

**ROLL CALL
VOTE ON
MOTION:**

Roll call vote was requested. **Motion carried by a vote of 13 AYE and 1 NAY.**
Voting in Favor of the motion: **Chairman Crane, Reps. Armstrong, Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Mathias.** **Voting in opposition** to the motion: **Rep. Gannon.** **Rep. Harris** will sponsor the bill on the floor.

HCR 2:

Chairman Crane presented **HCR 2** which would lift the restriction on groups of 10 or more under the Governor's Emergency Declaration. He said the Governor's Emergency Order has had significant impact on many Idahoans, including the order for certain entities to be opened or closed and limiting gatherings to fewer than 10 people. Chairman Crane stated that the Idaho High School Athletic Association and school boards have met to try to enable school athletics to be continued. He said that families are disenfranchised and people should have the ability to gather.

There was committee concern shared that this legislation would not actually change the gathering size limitation. There was also a question asking if local jurisdictions can override the decision to lift the gathering size restriction in their area, which is unknown at this time. Concerns regarding the role of the State Board of Education and Idaho High School Athletic Association, were expressed. **Chairman Crane** said there are inconsistencies in rules from the districts. He said, this legislation would not present a conflict with the State Board of Education because there is an opt-out clause.

Committee members discussed the difference between the First Amendment vs. Health and Safety. The fire department limits the number of individuals allowed in a room or building for people's safety, in case of emergency. It was suggested that families are facing discrimination when they are not allowed to attend a child's sporting event. Grocery stores have no restrictions; airplanes are packed with people wearing masks but not social distancing; churches are full with people singing and shaking hands. These things are acceptable but not assembling to watch sports, attend an auction or go to a concert.

Matthew Jensen spoke **in support** of **HCR 2**. There is a mismatch between what was mandated and what people wanted. He looks forward to the passage of this legislation.

Monica McKinley spoke **in support** of **HCR 2**. She would like to see strong language that the Governor or any non-elected agency or official can limit the number of people who can gather.

Demik Hatch spoke **in support** of **HCR 2**, Demik is Student Body President and an athlete from Hillcrest High School in Idaho Falls. He said he is in charge of unifying students at his school and is trying to figure out how to get back school spirit. He is sad to see everyone's reaction to not being able to gather. Athletes make kids feel like they are welcome and because of the limitations, kids are missing out on making new friends. Right now, students feel disconnected and have low morale.

Kyler Stevens spoke **in support** of **HCR 2**. He is Student Body Vice President at Hillcrest High School in Idaho Falls and said that he participates in football, track and field and lacrosse. He worries that incoming freshmen will miss out on social interactions if attendance at sporting events is limited.

Rosa Martinez is in support of this legislation. Her child worked hard to make the band and he bought his own drum. Now, he is not allowed to participate because he has a sensory issue and cannot wear a mask. Her younger child is medically fragile. Her children feel excluded and are sad and lonely. This situation is disruptive and she feels that her civil rights are being violated. People should be able to exercise their constitutional rights and make choices for their own actions.

Jim Store spoke in support of **HCR 2**. He said Section 33 of the current law does not say the State Board of Education has authority over extracurricular activities.

Dana Clemeaugh spoke in support of **HCR 2**. She said she was emotional listening to testimony. Never has she thought that peaceful assembly would not be allowed.

Monique McKinley spoke in support of **HCR 2**. She requested strong language stating the governor or other non elected agency officials cannot limit the size of gathering.

Jessica Marcu spoke in support of **HCR 2**. Her parents were raised under Communist control in Romania. She said that churches were censored and the government took people's property and moved them into high-rise buildings. She wants to limit the Governor's power and said that oppressing people is not going to help anyone.

MOTION:

Rep. Monks made a motion to send **HCR 2** to the floor with a **DO PASS** recommendation.

During discussion, it was stated that in an effort to slow the progression of COVID-19, many actions have been taken and many more people would have died without measures for safety put into place. Because 40% of people who are infected are asymptomatic and COVID is easily transmitted, reasonable considerations are made to protect people. All fans are willing to wear masks and social distance.

**VOTE ON
MOTION:**

Motion carried with a voice vote. Rep. Mathias requested to be recorded as voting **NAY**. **Rep. Crane** will sponsor the bill on the floor.

ADJOURN:

There being no further business before the committee, the meeting was adjourned at 10:41 a.m.

Representative Barbieri
Committee Member

Kelly Staskey
Secretary

AMENDED AGENDA #1
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Tuesday, January 19, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
RS28268	Disaster Preparedness Act	Rep. Monks
RS28209	Sound Money Reserves	Rep. Nate
RS28252	Bond and Levy Elections	Rep. Nate

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey
Room: EW54
Phone: 332-1145
Email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, January 19, 2021

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/
EXCUSED:** None

GUESTS: Brody Aston, Westerborg Associates

Chairman Crane called the meeting to order at 9:00 a.m.

RS 28209: **Rep. Nate** presented **RS 28209** which would allow the State Treasurer's office to hold gold and silver as part of its investment portfolio. Other states are holding these precious metals as part of their portfolios because it carries a lower risk. This bill does not mandate the purchase of gold or silver but would allow the option to purchase them. Currently, there is a negative real rate of return on cash investments. The gold and silver would be held in Idaho or in a joining state in a secure depository, possibly Utah. It would be separated from other holdings in the depository and like any investment, there would be small holding fees.

In response to questions, **Rep. Nate** explained the Underwriters Laboratory is a global safety certification company that sets standards for secure and safe depositories. The State Treasurer's team of investors would determine the percentage of gold and/or silver to hold, if desired. It serves as a hedge against inflation. Typically, as inflation increases, the value of gold and silver also increases. He said gold and silver can be good long-term investments because they are more stable.

MOTION: **Rep. Scott** made a motion to introduce **RS 28209**. **Motion carried by voice Vote.** **Rep. Furniss** requested to be recorded as voting **NAY**.

RS 28252: **Rep. Nate** presented **RS 28252** to mandate transparency in bond and levy elections by requiring full disclosure of anticipated tax increases to voters. The proposed legislation would preclude additional distracting information about other bond and levy obligations, not impacted by the outcome of the ballot question.

MOTION: **Rep. Hanks** made a motion to introduce **RS 28252**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:24 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Wednesday, January 20, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
H 1	Disaster Preparedness Act	Rep. Monks
RS28268	Disaster Preparedness Act	Rep. Monks
RS28288	Emergency Declarations	Rep. Monks
RS28247	No Public Funds for Abortion	Rep. Skaug

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Crane
Vice Chairman Armstrong
Rep Palmer
Rep Barbieri
Rep Holtzclaw
Rep Monks
Rep Scott

Rep Andrus
Rep Young
Rep Furniss
Rep Hanks
Rep Skaug
Rep Gannon
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey
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MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, January 20, 2021

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/
EXCUSED:** None

GUESTS: Matthew Jensen, Casey Baker, Margie Baker

Chairman Crane called the meeting to order at 9:00 a.m.

H 1: **Rep. Monks** presented **H 1** in conjunction with **RS 28268**. Both pieces of proposed legislation restore the separation and balance of powers between the executive and legislative branches of government. Specifically, it ensures that all Idahoans have the right to work, provide for their families and contribute to the economy during any emergency disaster declaration. The legislation also limits the length of emergency disaster declarations to a maximum of 30 days unless extended by a legislative concurrent resolution. It also clarifies that the governor may not alter, adjust or suspend Idaho Code during a disaster declaration. It terminates all currently existing emergency disaster declarations that have existed longer than 30 days. Rep. Monks stated that in the past year he has learned about relationships and the balance of power and what role the legislature plays during emergencies. There needs to be checks and balances. Citizen's constitutional rights cannot be suspended during a disaster. He said it also limits spending during an emergency to 1% of revenues made available. As clarification, regulations are defined as laws and rules. The Idaho State Legislature defines regulations as laws.

RS 28268: Using **H 1** as the base of reference, **Rep. Monks** outlined changes that were made to **RS 28268**. These changes were made as a result of a meeting with the House State Affairs Committee and members of the Senate. They came from lessons learned by legislators during the past 10 months.

Rep. Monks answered questions, saying regional health districts fall under the category of political entity. When questioned about not suspending or limiting the sale of alcohol or explosives, he said he did not research the original language and did not make any changes. Passage of this proposed legislation would immediately terminate the Governor's Emergency declaration. He said **RS 28268** would apply to any disaster after 30 days. Currently there are eight extended emergencies in Idaho. All would expire immediately. There is one emergency that would not expire because it falls under a different section.

Committee members expressed concern that the bill making process will be circumvented, leaving the governor out of the process. The concurrent resolution process looks similar to the executive branch. When asked how would modifying the Emergency Declaration work, **Rep. Monks** said rules have gone through a process to become law. The Governor and legislature agree upon a set of rules. In emergencies, the Governor can do away with those rules. The legislature should have a say in the process. Answering questions, Rep. Monks said he is getting a variety of answers when researching if FEMA dollars would be adversely affected in communities where these funds are being used. He said concurrent resolutions can extend the emergencies.

Matthew Jensen, David Keizer and Maggie Gough, all from Boise and **Margie Baker**, from Nampa, spoke in support of **H 1**. It was stated that only 15 legislators came to the Capitol in June and nothing got done.

Casey Baker of Nampa spoke in support of **H 1**. He recommended the following changes: limiting the number of days that an emergency can be extended to 60 or less; strike page 3 lines 17-18; and on page 3 line 50, add the words, according to the dictates of conscience and end line 50 with including but not limited to the right to assemble for worship according to the dictates of conscience.

MOTION: **Rep. Palmer** made a motion to **HOLD H 1** in committee and introduce **RS 28268** and recommend it be sent directly to the second reading calendar.

During discussion on **RS 28268**, it was noted these discussions typically take place during non-emergency times. There was also a concern the federal government could withhold federal funds.

VOTE ON MOTION: **Motion carried by voice vote. Reps. Gannon and Mathias** requested they be recorded as voting **NAY**. **Rep. Monks** will sponsor the bill on the floor.

RS 28288: **Rep. Monks** presented **RS 28288** that addresses six disasters that are still active. The proposed legislation keeps these disaster declarations open until the legislature votes to end them. All the declarations will expire if the legislature chooses to do nothing. It is appropriate, however, to ensure that they do not expire immediately.

In answering questions, **Rep. Monks** explained these declarations would not need to be extended every 30 days. They would remain open until the legislature decides to terminate them. It is appropriate to leave them open. This makes the legislature a part of the process and the solution. It was clarified that this legislation is specific to the immediate emergencies that are open. **Rep. Monks** said the intent of this proposed legislation is to ensure the involvement of the legislature, with the Governor, in determining when these disaster declarations should end.

MOTION: **Rep. Barbieri** made a motion to introduce **RS 28288**. **Motion carried by voice vote.**

RS 28247: **Rep. Skaug** presented **RS 28247**. The proposed legislation ensures taxpayer dollars do not support the abortion industry by prohibiting the expenditure of taxpayer dollars to abortion providers. It prohibits public contracting or participating in any commercial transaction with an abortion provider. The legislation also prohibits the use of any public asset or employee to procure, counsel in favor, refer to, or perform an abortion. These prohibitions apply to all units of government in Idaho including state, county, municipal, public health districts, and public school districts. **Rep. Skaug** clarified **RS 28247** makes corrections to **H 585** which did not pass during the 2020 legislative session.

MOTION: **Rep. Armstrong** made a motion to introduce **RS 28247**.

During the discussion the question was asked about how this proposed legislation would affect Medicaid funding. The intent of the legislation is that it would have an effect. There were concerns expressed about women's constitutional rights to make their own decisions. It was stated that it is difficult to find information about state funds being spent on abortions. A request was made to bring more specific information to the bill hearing.

VOTE ON MOTION: **Motion carried by voice vote. Reps. Gannon and Mathias** requested they be recorded as voting **NAY**.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:16 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Monday, January 25, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
RS28305	Nonprofit Reporting	Rep. Andrus
H 8	Levy and Bond Elections	Rep. Nate
HCR 4	Disaster Emergency Declarations	Rep. Monks

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey
Room: EW54
Phone: 332-1145
Email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, January 25, 2021

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/
EXCUSED:** None

GUESTS: None

Chairman Crane called the meeting to order at 9:00 a.m.

**UNANIMOUS
CONSENT
REQUEST:** **Chairman Crane** made a unanimous consent request to reorder the agenda. Hearing no objections the request was granted.

H 8: **Rep. Nate** presented **H 8** to ensure transparency in bond and levy elections by ensuring full disclosure of anticipated tax increases to voters and eliminating information about other bonds and levies which are not impacted by the outcome of the ballot questions. The legislation also provides for nullification and penalty if provisions are violated.

A handout was provided to show instances of non-compliance. A statement on bond and levy ballots would be required to state the actual cost per \$100,000 to taxpayers. He stated the public needs to understand the true impact of the bond or levy and there cannot be any advertising on the ballot, for or against.

Rep. Nate said if disclosure is not provided there would be consequences. If a complaint is lodged within so many days of an election and a judge rules in favor of the plaintiff, the election would be invalidated and the voting district would need to pay for the cost of the election. **Rep. Nate** requested **H 8** be sent to the amending order. He received input from the Secretary of State and wants to incorporate that information into the bill.

In response to questions, **Rep. Nate** said he does not anticipate the court system being overwhelmed. Instances of complaints are rare but significant. The court is reluctant to overturn elections because a remedy has not been provided. It is more appropriate to launch a media campaign to share the pros and cons of a bond or levy rather than stating it on the ballot. If a complaint is filed, the court guarantees a swift and speedy trial. It should not significantly delay work in the taxing district.

Chief Deputy Chad Houck, Secretary of State's office and **Brian Stetsman**, a private citizen from Idaho Falls, ID spoke in support of **H 8**. It is important to protect ballot integrity and there is time and opportunity to advertise the pros and cons of a bond or levy, prior to the vote. Mr. Houck said the language included in this legislation gives enough standing for a person to lodge a complaint and voters currently have 40 days to contest a ballot. **H 8** needs to reflect this number.

Karen Echeverria, Executive Director of the Idaho School Board Association and **Andy Grover**, Executive Director of the Idaho Association of School Administrators spoke **in opposition** to **H 8**. The bill, as written, would make school districts misrepresent information on the ballot. Include clarifying language to make citizens understand the impact of the bond or levy. The bond council reviews and refinances bonds, which can result in tax decreases. Transparency will be lost if this bill is passed.

Rep. Nate closed by stating voters deserve clear information about each bond or levy on the ballot. The bond question provides clarity. The current law is not working and there are no consequences if the rules are not followed. He asked the committee to send **H 8** to the amending order. During discussion, it was stated the ballot initiative and ballot question should both be content neutral and the only information on the ballot should be the bond or levy, its length and fiscal impact.

MOTION: **Rep. Hanks** made a motion to send **H 8** to the **General Orders**. **Motion carried by voice vote**. **Rep. Nate** will sponsor the bill on the floor.

RS 28305: **Rep. Andrus** presented **RS 28305**, preventing state agencies and officials from forcing certain non-profit groups to disclose more information than is required in Idaho Code. It prohibits public officials from using the power of the state to compel private foundations and charitable trusts to release additional, private information or to complete extra filings not already required by law. It does not apply to other nonprofits, like charter schools or hospitals, that are regulated under different sections of code.

MOTION: **Rep. Monks** made a motion to introduce **RS 28305**. **Motion carried by voice vote**.

UNANIMOUS CONSENT REQUEST: **Chairman Crane** made a unanimous consent request to hold **HCR 4** in committee while **Rep. Monks** gathers information requested for the bill hearing. There being no objection, the request was granted.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:03 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Wednesday, January 27, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
RS28317	Public Notices	Rep. Weber

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Crane
Vice Chairman Armstrong
Rep Palmer
Rep Barbieri
Rep Holtzclaw
Rep Monks
Rep Scott

Rep Andrus
Rep Young
Rep Furniss
Rep Hanks
Rep Skaug
Rep Gannon
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey
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Phone: 332-1145
Email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, January 27, 2021

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/
EXCUSED:** None

GUESTS: None

Chairman Crane called the meeting to order at 9:00 a.m.

MOTION: **Rep. Young** made a motion to approve the meeting minutes from January 12, 2021, January 13, 2021 and January 14, 2021. **Motion carried by voice vote.**

RS 28317: **Rep. Weber** presented **RS 28317** relating to pubic notices by governmental entities. This legislation would give the option to publish pubic notices or publications electronically, using the government entity's official website.

In response to questions, **Rep. Weber** said this proposed legislation does not replace publication of public notices in the newspaper. It simply provides options. For areas without internet access, notices could be published in the newspaper or sent as an insert in a utility bill. Agencies could choose one or more of these distribution methods.

MOTION: **Rep. Scott** made a motion to introduce **RS 28317**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 9:17 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Thursday, January 28, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
Presentation	Building Idaho's Future Initiative	Dir. Keith Reynolds, Idaho Department of Administration
RS28323	Adoption Records	Rep. Young

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Crane
Vice Chairman Armstrong
Rep Palmer
Rep Barbieri
Rep Holtzclaw
Rep Monks
Rep Scott

Rep Andrus
Rep Young
Rep Furniss
Rep Hanks
Rep Skaug
Rep Gannon
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey
Room: EW54
Phone: 332-1145
Email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, January 28, 2021
TIME: 9:00 A.M.
PLACE: Room EW40
MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias
ABSENT/EXCUSED: None
GUESTS: None

Chairman Crane called the meeting to order at 9:08 a.m.

Keith Reynolds, Director of the Department of Administration gave a presentation about Building Idaho's Future and the Permanent Building Fund. He was joined by Division of Financial Management's administrator, **Alex Adams** and Principal Financial Management Analyst, **David Hahn**. **Monty Prow**, Director of Idaho Department of Juvenile Corrections also participated in the presentation.

Dir. Reynolds explained that the Department of Administration oversees plans and projects for state funded building projects. The agency acts as project managers. He stated that it is not unusual for the Governor to recommend additional money for projects to bolster the permanent building fund budget. Occasionally, the Legislature also includes additional funding. This year, over \$100 million was requested by state agencies.

Mr. Hahn said that the Governor has recommended \$96 million in funding to include \$43.5 million for seven capital projects; \$30 million for Critical improvement and economic stimulus; and \$22.7 million was added for alteration and repair projects to fund 63 projects at 23 agencies.

Supplemental funds are added to the budget and once approved by the legislature, immediately available. Each year, there is re-appropriation within the Permanent Building Fund. It covers costs of multi-year projects. The \$96 million will not all be spent by March 1, 2021 but approval will allow for immediate action to be taken on upcoming projects. Idaho does not approve projects unless the money is available. This is a reinvestment of all spending cuts from the past fiscal year, including the 5% across-the-board budget reduction; the hiring and salary compensation freeze; and limited year-end spending. Approximately \$400 million has been saved. \$320 million has been recommended for reinvestment and the remainder will be used for tax relief.

Monty Prow, Director of the Idaho Department of Juvenile Corrections, spoke regarding why his agency is requesting money from Idaho's Permanent Building Fund. They are seeking to replace a 1950's-era dormitory with a facility that has one-person rooms, to house youth in their care. The new building will provide a safer and healthier environment for both residents and staff as well as reduce maintenance costs.

Following the presentation, the presenters answered questions posed by committee members.

RS 28323: **Rep. Young** presented **RS 28323** to allow adoptees, who are adopted on or after July 1, 2021, to access their birth records, once they are 18 years of age. This proposed legislation will allow the Department of Vital Statistics to create an indicator on the face of the certificate, accurately identifying the relationship of the legal parents named on the certificate of the child. There will be designations for children born in Idaho and those born in foreign countries.

MOTION: **Rep. Scott** made a motion to introduce **RS 28323**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:45 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Friday, January 29, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
RS28345	Transparency in Bond and Levy Elections	Rep. Nate
RS28357	Protection of Certain Historic Monuments and Memorials	Rep. Okuniewicz

COMMITTEE MEMBERS

Chairman Crane
Vice Chairman Armstrong
Rep Palmer
Rep Barbieri
Rep Holtzclaw
Rep Monks
Rep Scott

Rep Andrus
Rep Young
Rep Furniss
Rep Hanks
Rep Skaug
Rep Gannon
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey
Room: EW54
Phone: 332-1145
Email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Friday, January 29, 2021

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/
EXCUSED:** None

GUESTS: None

Rep. Andrus called the meeting to order at 9:01 a.m.

RS 28345: **Rep. Nate** presented **RS 28345**, relating to bond and levy ballot disclosure. This proposed legislation has been brought before the committee twice before as **RS 28252**. **RS 28345** includes all of the recommended edits from the Secretary of State's office. Language has been moved to different sections but materially, this is the same proposed legislation which has been discussed and debated in prior committee meetings.

MOTION: **Rep. Scott** made a motion to introduce **RS 28345** and recommended it be sent directly to the second reading calendar.

During discussion, a committee member raised concerns about limiting free speech.

**VOTE ON
MOTION:** Motion carried by voice vote. **Rep. Gannon** requested to be recorded as voting **NAY**. **Rep. Nate** will sponsor the bill on the floor.

RS 28357: **Rep. Okuniewicz** presented **RS 28357** to preserve historical monuments on public property. Statues could not be removed, disturbed or altered without approval of the legislature by way of concurrent resolution. He noted that erasing history is not right. **Rep. Okuniewicz** studied laws from several states and used South Carolina's law as a basis for this proposed legislation. South Carolina's law has been in effect for over 20 years and is stable. He added changes would need to be approved through concurrent resolution by the legislature. It was noted a correction that needs to be made in the Statement of Purpose. The word perseveres needs to be replaced with preserves.

MOTION: **Rep. Skaug** made a motion to introduce **RS 28357**.

In response to questions, **Rep. Okuniewicz** said he is open to amending language, making the list of monument subjects more inclusive. For example, using Indigenous people rather than Native American. He stated that penalties for defacing the monuments or statues are included in vandalism laws. It was noted that all races and cultures have a certain bias and racism attached. To have a monument or statue removed from public property, a concurrent resolution would need to be presented to the legislature. It would receive a public hearing and go through the legislative process. The concurrent resolution does not have to be signed by the Governor to be enacted.

**VOTE ON
MOTION:**

Motion carried by voice vote.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 9:34 a.m.

Representative Andrus
Committee Member

Kelly Staskey
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Monday, February 01, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
RS28084	Alcohol Permit Fees	Jeff Anderson, Agency Director - Idaho Lottery, Idaho State Liquor Division
RS28086	Liquor Donations	Jeff Anderson
RS28103	Participation in Multi-Jurisdictional Lottery Games	Jeff Anderson

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Crane
Vice Chairman Armstrong
Rep Palmer
Rep Barbieri
Rep Holtzclaw
Rep Monks
Rep Scott

Rep Andrus
Rep Young
Rep Furniss
Rep Hanks
Rep Skaug
Rep Gannon
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey
Room: EW54
Phone: 332-1145
Email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, February 01, 2021

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/
EXCUSED:** None

GUESTS:

Chairman Crane called the meeting to order at 9:00 a.m.

RS 28084: **Jeff Anderson**, Director of the Idaho Lottery and Idaho State Liquor Division, presented **RS 28084** to provide alcohol permittees / licensees a full year before renewing their permits/licenses for the first time. Currently, if a liquor permit/license is sold later in the year, a new permit/license would have to be purchased at year end for the following year. This proposed legislation will save businesses money and allow the Idaho State Liquor Division to spread out the process of renewing licenses throughout the year. Further, State Code would also be consistent with the Administrative Rule.

MOTION: **Rep. Skaug** made a motion to introduce **RS 28084**. **Motion carried by voice vote.**

RS 28086: **Dir. Anderson**, presented **RS 28086** allowing Idaho non-profit organizations to sell distilled spirits in any fashion, including raffles or silent auctions. Currently, these spirits may be donated to an organization but cannot be served or used in any fund raising efforts. Distributors want to support Idaho's non-profits and this will allow them to participate.

In response to questions, **Mr. Anderson** explained there is already a statute for the donation and use of beer and wine being used in this manner and **RS 28086** was drafted to match the existing statute. **Captain Brad Doty** of Alcohol Beverage Control, said no arrests have been made in the past three years for illegal use of distilled spirits at fund raising events but there have been several bottles of spirits confiscated. Non-profit organizations would pay the permit fee of \$50 if they intend to use any donated spirits. The permit application requires the applicant to list the nature of the event, a list of donated products, donors and the outcome of the fund raising event.

MOTION: **Rep. Barbieri** made a motion to introduce **RS 28086**.

During discussion, Mr. Anderson stated no limits exist on the amount of spirits that may be donated, as long as there is full disclosure. Rather than quantity, charities typically prefer to auction a rare bottle of alcohol. The spirits must be donated to the charity, not purchased by the charity..

**VOTE ON
MOTION:** **Motion carried by voice vote.**

RS 28103: **Mr. Anderson** presented **RS 28103** which amends 67-7408 in Idaho Code. The amendment will preserve an average of \$14 million per year in Lottery dividends. It would not expand gaming in Idaho. Currently, the Idaho Lottery is a member of the Multi-State Lottery Association (MSLA) and has an agreement to participate in a variety of multi-state games with other states, territories and districts. The MSLA Powerball Game group approved licensing the game in Australia and the United Kingdom. At this time, Idaho Code allows only for participation in multi-jurisdictional games offered in the United States and Canada, Passage of this proposed legislation will allow Idaho to continue participating in Powerball game and benefitting Idaho Schools.

There will be a significant, ongoing negative fiscal impact to the Lottery, Public Schools, the Permanent Building Fund and the Bond Levy Equalization Fund if this proposed legislation is not approved. Average Powerball sales in Idaho at \$28,000,000 per year and the Lottery keeps 50% gross profit from sales on this game.

In response to questions, **Mr. Anderson** said that 50% of monies raised go toward prizes. MSLA pools its money. When large prizes are won, the Association sends money to the State with the winning ticket. All of the smaller prizes are paid out at the state level.

MOTION: **Rep. Holtzclaw** made a motion to introduce **RS 28103**. **Motion carried by voice vote.** **Reps. Scott and Andrus** requested being recorded as voting **NAY**.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 9:20 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary

AMENDED AGENDA #1
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Tuesday, February 02, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
RS28350	Wine, Websites and Social Media	Roger Batt, Legislative Advisor, Idaho Grape and Wine Commission
RS28232C1	Campaign Finance, Expenditures	Rep. Giddings

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Crane
Vice Chairman Armstrong
Rep Palmer
Rep Barbieri
Rep Holtzclaw
Rep Monks
Rep Scott

Rep Andrus
Rep Young
Rep Furniss
Rep Hanks
Rep Skaug
Rep Gannon
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey
Room: EW54
Phone: 332-1145
Email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, February 02, 2021

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/
EXCUSED:** None

GUESTS: None

Chairman Crane called the meeting to order at 9:05 a.m.

RS 28350: **Roger Batt**, Legislative Advisor for the Idaho Grape and Wine Commission presented **RS 28350** to give vintners and wineries permission to advertise their products and events on websites and social media platforms. The main focus is to promote wine-tasting events as well as events featuring wine. If off-site events are held, a wine permit must be obtained. When multiple vintners participate in a single event, they must seek permission through the Idaho State Police. The proposed legislation also adds the word designee so no one is dependent upon one person when seeking permission. Mr. Batt indicated the industry is hopeful more wine will be sold as a result of social media promotion. On-line promotion through websites and social media is legal in Idaho. This is a preemptive piece of legislation and the language is broad. Some states have made these actions illegal. There would be no negative fiscal impact to the state.

Committee members expressed support for promoting events but were concerned with the algorithms used by social media and the potential of targeting minors for wine advertisements. It could also target individuals with an alcohol addiction, tempting them to partake. Committee members wanted to see tighter language and information about social media guidelines and how the algorithms function.

Mr. Batt said the wine industry takes the under 21 population seriously. Individuals must be 21 to enter their websites. He stated wineries are using safeguards to prohibit underage drinking.

MOTION: **Rep. Gannon** made a motion to return **RS 28350** to the sponsor. **Motion carried by voice vote.**

RS 28232C1: **Rep. Giddings** presented **RS 28232C1** requiring disclosure of expenditures by a candidate, Political Action Committee (PAC), or campaign committee when money is spent in support or opposition of a candidate. This information used to be collected by the Secretary of State's office but the new computer program they are using does not currently collect this information.

Rep. Giddings stated the Secretary of State's office said it wants to include this information in its tracking program but remains neutral on this proposed legislation. The ability to collect this information already exists within the computer program, so there should be no fiscal impact. If this bill is printed, the committee wants more clarification on the cost for modifications to be made.

In response to questions, **Rep. Giddings** said this legislation is about transparency. It is helpful to draw clear lines, reporting when expenditures are made in affirmative support or opposition of a candidate. If a PAC purchases flyers in support or opposition of a candidate, donors would be able to see how their money is being spent.

MOTION: **Rep. Scott** made a motion to introduce **RS 28232C1**.

Political Action Committees and individual campaign committees may make expenditures to support or oppose other political groups or candidates. It was also noted that this proposed legislation could add to reporting complications. **Rep. Giddings** said she would consult with the Secretary of State's office.

VOTE ON MOTION: **Motion carried by voice vote. Rep. Palmer** requested to be recorded as voting **NAY**.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:51 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Wednesday, February 03, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
RS28375C1	Ballot Harvesting	Rep. Moyle
RS28251	Warrentless Misdemeanor Arrests	Rep. Chaney
H 65	Protecting Certain Historic Monuments	Rep. Okuniewicz
RS28399	Protecting Certain Historic Monuments	Rep. Okuniewicz
RS28274C1	Concealed Weapons on School Property	Rep. Christensen

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Crane
Vice Chairman Armstrong
Rep Palmer
Rep Barbieri
Rep Holtzclaw
Rep Monks
Rep Scott

Rep Andrus
Rep Young
Rep Furniss
Rep Hanks
Rep Skaug
Rep Gannon
Rep Mathias

COMMITTEE SECRETARY

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MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 03, 2021

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/
EXCUSED:** None

GUESTS: Quinn Perry, Idaho School Board Association; Brody Aston, Westerberg & Assoc.

Chairman Crane called the meeting to order at 8:59 a.m.

RS 28375C1: **Rep. Moyle** presented **RS 28375C1**, addressing the issue of ballot harvesting. Many people who convey ballots are political activists who harvest absentee or mail-in ballots from voters and then deliver them to election officials for processing and counting. The proposed legislation would prohibit this practice by limiting ballot handling to those authorized to do so, pursuant to Idaho law. This proposed legislation limits an individual's ability to turn in no more than two ballots for an election.

In answer to questions, **Rep. Moyle** explained there is a family exemption to allow voting for individuals who are hospitalized or living in care facilities. A family member may help them vote or an absentee ballot may be requested. If someone is caught with more than two ballots they would be prosecuted.

MOTION: **Rep. Palmer** made a motion to introduce **RS 28375C1**.

During discussion it was recommended that "immediate" be added to family, in regard to who may help an individual admitted to inpatient care, vote. The committee also requested definitive information about confiscated ballots.

**VOTE ON
MOTION:** **Motion carried by voice vote.**

RS 28251: **Rep. Chaney** presented **RS 28251**, proposing a constitutional amendment to expressly authorize law enforcement officers to make warrantless misdemeanor arrests when the officer did not observe the crime. This would be limited to specific offences, as authorized by the legislature, and only when the probable cause shows there is an ongoing threat to health and safety.

In 2019, in the case of State v. Clarke, the Idaho Supreme Court ruled warrantless misdemeanor arrests are unconstitutional unless the alleged crime is witnessed by a law enforcement officer. The amendment would once again allow warrantless misdemeanor arrests based upon probable cause when an alleged offense is committed outside the presence of a law enforcement officer. If introduced, there will be no hearing for this bill. This proposed legislation is meant to keep the conversation going on the topic.

In answer to questions, **Rep. Chaney** said examples of warrantless arrests would be for crimes of violence such as domestic battery or a bomb threat at a school. He said last year the Senate proposed legislation to authorize all misdemeanor arrests. Post Clarke, an arrest warrant has to be issued before an arrest can be made for domestic battery, even when it is obvious that someone has been injured. In putting parameters to the legislation, the Legislature must find the offense a crime of violence, not in the presence of law enforcement.

MOTION: Rep. Palmer made a motion to introduce **RS 28251**.

ROLL CALL VOTE: Rep. Scott requested a roll call vote on **RS 28251**. Motion carried by a vote of 8 AYE and 6 NAY. Voting in favor of the motion: Reps. Crane, Palmer, Holtzclaw, Monks, Andrus, Furniss, Gannon, and Mathias. Voting in opposition of the motion: Reps. Armstrong, Barbieri, Scott, Young, Hanks, and Skaug.

During discussion there was a level of discomfort expressed because of outstanding questions. Committee members expressed concern over eroding the constitution and suggested there should be a statute put in place, first. Rep. Chaney stated if there is a constitutional change, it should be the smallest change possible.

H 65 AND RS 28399: Rep. Okuniewicz presented **RS 28399** and **H 65** simultaneously. Both protect certain historic monuments and memorials. No monuments or memorials erected on State property may be relocated, removed, disturbed, or altered without approval of the Idaho Legislature by way of a Concurrent Resolution. The legislation also preserves the names of historic figures and historic events memorialized in or dedicated to public schools, streets, bridges, structures, parks, preserves, or other public areas of the State or any of its political subdivisions that were in place prior to July 1, 2021.

H 65 states the legislature would need to vote before certain memorials or monuments could be removed or decommissioned. **RS 28399** is now inclusive of all historical monuments and memorials. The legislature would only be involved if decommission or removal is desired. The proposed legislation is designed to address the cancel-culture mentality. It also allows for removal or relocation to accommodate, construction, repair or improvements to the monuments or memorials or public property surrounding them. If they are moved, it has to be to a location of similar prominence.

Lauren Bramwell, lobbyist for the ACLU testified remotely, in opposition to **H 65**. She stated this legislation takes away local decision-making authority and permits removal of statues and memorials only through Concurrent Resolution. She said this is a time of racial reckoning, an unpacking of history, looking to expand public discourse about less than perfect history that has been made less visible. For example, looking at how monuments may glorify white supremacy. She also stated that the Heritage Act of South Carolina, upon which this legislation has been modeled, has caused prohibition or delays in removing monuments.

Quinn Perry, Policy and Government advisor for the Idaho School Board Association testified in opposition of **H 65**. She stated the legislature would restrict School Board members in making decisions for their constituents. She made a request to hold **H 65** in Committee. Ms. Perry also said schools infrequently change their names.

In closing, Rep. Okuniewicz said that **RS 28399** is much more inclusive than the Heritage Act. The Idaho Legislature would need a simple majority to approve a change. He encouraged new statues and monuments to be constructed to celebrate modern-day heroes. It was noted this legislation does not apply to changing school mascots.

MOTION: Rep. Palmer made a motion to send **H 65** to the floor with a **DO PASS** recommendation.

MOTION WITHDRAWN: Rep. Palmer asked unanimous consent to withdraw his motion. There being no objection the request was granted.

MOTION: Rep. Palmer made a motion to **HOLD H 65** in committee. Motion carried by voice vote.

MOTION: **Rep. Palmer** made a motion to introduce **RS 28399** and recommended it be sent directly to the second reading calendar.

During discussion the desire was expressed for cities and counties to take the process slowly. It could be toxic to have discussions about who is worthy of being memorialized. It was also said this is an inspiring bill for pioneers. Make new history but do not dishonor our Idaho ancestors.

VOTE ON MOTION: **Motion carried by voice vote. Rep. Okuniewicz** will sponsor the bill on the floor.

RS 28274C1: **Rep. Christensen** presented **RS 28274C1** which allows K-12 school district employees, with an enhanced concealed weapons license, to carry a concealed weapon on school property.

Law enforcement response time is four to eight minutes. With the goal to protect Idaho's school children, this proposed legislation would allow an immediate response in an emergency. Some school boards already have the ability for school staff to carry a concealed weapon.

In response to questions, **Rep. Christensen** explained the requirements for an enhanced concealed weapons permit. An individual must be 21 and receive instruction in the classroom and at the gun range. If a school employee travels to another district they would be able to carry their concealed weapon.

Committee members were concerned with the broad language in section eight, Page 3 line 49. They asked to change the language to include accountability for reckless behavior.

Chairman Crane put the committee as ease at 10:13 a.m.

Chairman Crane reconvened the meeting at 10:25 a.m.

MOTION: **Rep. Skaug** made a motion to introduce **RS 28274C1** with the following amendment on page 3 line 49, adding, No action but for reckless, willful, and wanton behavior, shall. **Motion carried by voice vote. Rep. Mathias** requested to be recorded as voting **NAY**.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:26 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary

AMENDED AGENDA #2
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Thursday, February 04, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
RS28407	Department of Lands - Legal Counsel	Rep. Blanksma
RS28391C1	COVID - 19 Vaccine Administration	Rep. Gannon
RS28412	Disaster Emergencies, Governor's Powers	Rep. Monks
H 53	Electronic Notices - Government Entities	Rep. Weber

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey
Room: EW54
Phone: 332-1145
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MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, February 04, 2021

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/
EXCUSED:** None

GUESTS: Jake Cluff, Benn Brocksom, Association of Idaho Cities; Sean Schupack, Idaho General Contractors; Jeremy Pisca, Risch Pisca, Idaho Newspaper Association of Idaho; Ken Burgess, Veritas Advisors, Idaho Press Club; Matt Davison, Newspaper Association of Idaho; Martin G.; Brody Aston, Westerberg Associates; Seth Grigg, Association of Idaho Counties; Rosa Martinez, self

Chairman Crane called the meeting to order at 9:02 a.m.

Chairman Crane asked for a point of personal privilege to not hear **RS 28407**. There being no objections permission was granted.

RS 28391C1: **Rep. Gannon** presented **RS 28391C1** to provide incentives to speed up the availability of Covid-19 vaccine doses to those who want them. It provides that 70% of vaccine doses must be distributed by vendors within 14 days of receipt and the State Administrator of the program shall be immediately notified if there are vaccines that have not been distributed within that time. A vendor would incur a \$5,000 fine for failing to notify the State Administrator. The extra doses not distributed must immediately be reassigned and delivered to another vendor. It also provides that vaccine doses must be administered as provided in the Governor's Order, but if a dose will be wasted or destroyed, then alternative persons on a waiting list may receive that dose. There is a sunset provision. Cosponsor **Rep. Skaug** stated that there is no excuse for Idaho to be near the bottom of the state rollout list.

In response to questions, **Reps. Gannon** and **Skaug** indicated that administrators of the vaccine rollout said that tracking has not been good. Idaho is only administering 2,000 – 4,000 vaccines per day.

Committee members want to hear from Health and Welfare representatives as well as practitioners. It was suggested that other states don't require people to make an appointment to get vaccinated and they are administering many more vaccines. It was stated that Idaho needs private entities on board but it may be more difficult for them to participate if fines are issued for not reporting unused vaccine doses.

MOTION: **Rep. Armstrong** made a motion to introduce **RS 28391C1**. **Motion carried by voice vote. Reps. Barbieri** and **Hanks** requested to be recorded as voting **NAY**.

RS 28412: **Rep. Monks** presented **RS 28412** which protects the separation and balance of powers between the executive and legislative branches. It ensures that everyone has the right to work, provide for their families and contribute to the economy during an emergency disaster declaration. It states such orders, rules, and proclamations must be narrowly tailored to their purposes and not restrict jobholders by job type or classification. The proposed legislation also limits emergency disaster declarations to a maximum of 60 days unless extended under certain provisions.

In response to questions, **Rep. Monks** requested permission to talk about other legislation. Permission granted, he stated that the Senate has been working on a similar piece of legislation that deals with another section of code and both houses of the legislature are using common language for consistency. For example, the term "Rules" is being used. Rules are reviewed by the legislature on an annual basis. It was recommended when an extraordinary session is convened it should be to specifically address the disaster emergency. Also, to ensure the constitutional rights of Idaho's citizens, laws should not be changed during a declared emergency.

MOTION:

Rep. Scott made a motion to introduce **RS 28412**.

During discussion, it was requested to make sure the mechanics of the bill are clear during the hearing.

**VOTE ON
MOTION:**

Motion carried by voice vote. Rep. Mathias requested to be recorded as voting **NAY**.

H 53:

Rep. Weber presented **H 53** relating to public notices by governmental entities giving them the option to publish public notices or publications electronically using the government entity's office website.

Rep. Weber cited a Pew Research study reporting two out of ten adults get their news from the newspaper. Transparent Idaho reports over \$9.4 million is spent on advertising and notices annually. Because transparency is critical, the same guidelines for print notices would be the same for electronic notices.

In response to questions, **Rep. Weber** acknowledged he knows that newspapers have a website with all legal notices posted. He is in favor of multiple platforms. **Rep. Weber** stated if a legal issue arises in 10 years, the electronic documents will stand up in a court of law. **Rep. Weber** emphasized that small taxing districts will not need their own websites. Electronic publication is a choice, not a mandate. Many of the smaller districts use the county or city's website.

Speaking in opposition of **H 53** were **Pam Morris**, Publisher of the Idaho Mountain Express, **James Phillips** of Hailey, **Travis Quast**, President of Adams Publishing Group, **Nathan Alford**, publisher of the Lewiston Tribune and Moscow Daily News, **Clint Schroeder**, Publisher Hagadone Publishing Group; **Sean Schupack**, **Jeremy Pisca**, **Matt Davison**; and **Ken Burgess**.

Points of opposition included duplicating service; unnecessarily damaging newspapers; and making notices more difficult to find by requiring people to look at multiple websites for information already contained in one central location through newspapers. idahopublicnotices.com already uploads notices daily, again providing ease of access. The website is ADA compliant, allows for e-mail and text alerts and is designed to be embedded in governmental websites at no additional cost. This bill does not address archiving notices. There is a danger of websites getting hacked or losing data, making proof of publication difficult. The bill states that notices could be enclosed in city or country generated bills but many customers have paperless billing. Consistency is needed. While many find jobs to bid online, the smaller companies rely on the newspapers. The Idaho General Contractors compile requests for proposals from a variety of newspapers and compile everything in one place for their members.

Speaking in support of **H 53**, **Seth Grigg**, and **Jake Cluff** stated it would be beneficial to post public notices and meeting agendas on governmental websites. Currently, 43 of Idaho's 44 counties have websites and property taxes cover the expense for internet services. Collectively, it cost \$600,000 to print legal notices in newspapers, last year.

In closing, **Rep. Weber** asked the committee not to be distracted by what they heard during testimony. With multiple platforms for public notifications, more people will be served. Agencies deserve the option to post notices online and reduce their general fund expenditures.

MOTION: **Rep. Scott** made a motion to send **H 53** to the floor with a **DO PASS** recommendation.

Discussion included concern that smaller taxing districts wouldn't have access to posting information online. It was clarified that most smaller taxing districts post on their county or city website. There are 900 taxing districts in Idaho. Citizens should not have to search 900 websites instead of one. The cost of maintaining websites was also raised. It was noted that most agencies currently have employees hired to do this work. It was noted that physical archiving is critical for history and there is a legal and legitimate expense to maintaining an archive record as set by law.

VOTE ON MOTION: **Motion carried by voice vote.** Rep. Weber will sponsor the bill on the floor.

MOTION: **Rep. Mathias** made a motion to approve the minutes from January, 18, 20 and 27, 2021. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:56 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary

AMENDED AGENDA #1
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Friday, February 05, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
RS28434	Gathering Prohibition, Null	Rep. Ehardt
RS28238C1	Attorney General	Rep. Vander Woude

COMMITTEE MEMBERS

Chairman Crane
Vice Chairman Armstrong
Rep Palmer
Rep Barbieri
Rep Holtzclaw
Rep Monks
Rep Scott

Rep Andrus
Rep Young
Rep Furniss
Rep Hanks
Rep Skaug
Rep Gannon
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey
Room: EW54
Phone: 332-1145
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MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Friday, February 05, 2021

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/
EXCUSED:** Representative(s) Barbieri

GUESTS: None

Chairman Crane handed the gavel over to **Rep. Andrus** to run the meeting so he could present an RS.

Rep. Andrus called the meeting to order at 9:01 a.m.

RS 28434: **Chairman Crane** presented **RS 28434** a Concurrent Resolution to make clear that Idaho's Legislative body is supportive of removing all obstacles that prevent full participation of individuals in all activities, including but not limited to athletic competitions such as Idaho High School Activities Association state tournaments.

The Governor's Office and State Board of Education both want students to play sports and fans in the stands. They are also working to get choirs, debate teams and other school activities opened up. The girls basketball tournament is starting tomorrow and 150 tickets per team are being distributed. The state championship will be held at the Idaho Center and each team will receive 900 tickets. The venue has a capacity of 11,000.

Rep. Ehardt stated that the Legislature needs to send the message that it supports all kids trying to find normalcy in life.

In response to questions, it was noted that if passed, this proposed legislation would open up events, fully. The Governor's Office and State Board of Education changed their order to allow 40% capacity at sporting events. Guidance from the Governor's Office of gatherings not exceeding 50 people is not a mandate and there are no penalties for gatherings of more than 50 people.

MOTION: **Rep. Furniss** made a motion to introduce **RS 28434** and send it to Second Reading Calendar.

During discussion, committee members expressed that they think the reasons for the proposed legislation are good. One committee member supported the premise but thought the language is too broad for support. It was clarified that the Governor's office would not impose penalties for gatherings over 50 but mayors or health districts could choose to do so.

**MOTION ON
VOTE:** **Motion carried by voice vote. Rep. Gannon** asked to be recorded as voting **NAY**.

RS 28238C1: **Rep. Vander Woude** presented **RS 28238C1** to provide flexibility for state agencies to employ attorneys other than the Attorney General's office. This bill will extend the right to choose legal counsel to all state offices, boards, commissions and entities. These entities may still choose to obtain legal services from the Attorney General. The Attorney General and the Board of Examiners will no longer be required to screen and pre-qualify attorneys who desire to perform contract legal services for the State of Idaho. Currently, only certain state agencies may choose their own attorneys to represent the State of Idaho on their behalf before courts, administrative tribunals and federal agencies.

In response to questions, **Rep Vander Woude** stated the Attorney General currently has 127 Deputy Attorney Generals (DAG) that are assigned to various agencies. Depending on the legal issue, sometimes a legal issue is not a specialty of the assigned DAG. During the appropriations process, an agency will be able to choose a DAG or opt for an attorney of their choosing. Regardless, they must appropriate funds to reimburse the Attorney General's office for the DAG or to hire an independent attorney. The agency must stay within its appropriation budget. The Attorney General has the authority to enlist outside counsel, if needed. Agency budgets are submitted August 1 for the following fiscal year, beginning July 1.

MOTION: **Chairman Crane** made a motion to introduce **RS 28238C1**. **Motion carried by voice vote.**

Representative Crane
Chair

Kelly Staskey
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Monday, February 08, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
RS28416	Independent Expenditure Disclosure	Rep. Giddings
RS28384	Presidential Electors	Rep. Nichols
RS28374	Election Date, School Districts	Rep. Barbieri
RS28258	Instrument Acknowledgements	Rep. Andrus
H 70	Alcohol Permits, Licenses, Terms	Rep. Palmer

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Crane	Rep Andrus
Vice Chairman Armstrong	Rep Young
Rep Palmer	Rep Furniss
Rep Barbieri	Rep Hanks
Rep Holtzclaw	Rep Skaug
Rep Monks	Rep Gannon
Rep Scott	Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey
Room: EW54
Phone: 332-1145
Email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, February 08, 2021

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/
EXCUSED:** None

GUESTS: Jeff Anderson, Director, Idaho State Liquor Division and Idaho Lottery
Chairman Crane called the meeting to order at 9:00 a.m.

RS 28416: **Rep. Giddings** presented **RS 28416**, stating that expenditures exceeding \$50 in support or opposition to any one candidate, political committee or measure, must be reported to the secretary of state.

MOTION: **Rep. Hanks** made a motion to introduce **RS 28416. Motion carried by voice vote.**

RS 28384: **Rep. Nichols** presented **RS 28384**, to assist in ensuring integrity in the elections process by fortifying the selection of presidential electors. Presidential electors will be chosen based on which candidate won the most votes among in-person voting on Election Day, and authorize absentee balloting based on military service or sworn physical inability to vote in person.

MOTION: **Rep. Hanks** made a motion to introduce **RS 28384.**
During discussion **Rep. Nichols** said early voting will not change. Early voting falls under a different section of Idaho code. This proposed legislation is specific to election day. There needs to be a mechanism and procedures in place to ensure votes are legally cast. The state legislature has the authority to determine the process used. Members of the committee would like a legal opinion on this proposed legislation. Rep. Nichols will reach out to the Attorney General's office for an opinion.

**VOTE ON
MOTION:** **Motion carried by voice vote.**

RS 28374: **Rep. Barbieri** presented **RS 28374** to eliminate the August election date. This would provide a window of time in the election calendar for the state to do planned maintenance. County clerks could also schedule voter registration list maintenance and conduct required training for election employees. School tax levy elections are the only items on the ballot during August.

MOTION: **Rep. Mathias** made a motion to introduce **RS 28374. Motion carried by voice vote.**

RS 28258: **Rep. Andrus** presented **RS 28258** which would create a savings clause for documents acknowledged and recorded prior to July 1, 2017. It serves as conclusive evidence of the validity of that document's acknowledgement and would prevent an attack on its validity. This proposed legislation contains an emergency clause.
In response to questions, **Rep. Andrus** noted that even if a piece of information is missing from an acknowledgement, prior to July 1, 2017, the document is still legal, ensuring that it can be used in land exchanges.

MOTION: **Rep. Holtzclaw** made a motion to introduce **RS 28258**. **Motion carried by voice vote.**

H 70: **Rep. Palmer** presented **H 70**, to provide alcohol permittees/licensees with an entire year in the initial year of issuance before expiration.

MOTION: **Rep. Holtzclaw** made a motion to send **H 70** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Palmer** will sponsor the bill on the floor.

ADJOURN: There being no further business before the committee, the meeting was adjourned at 9:21 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary

AMENDED AGENDA #1
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Wednesday, February 10, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
RS28460	Firearms on School Property	Rep. Christensen
RS28432	Extra Credit - Voting	Rep. Troy
H 106	Elimination of August Election Date	Rep. Barbieri

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Crane
Vice Chairman Armstrong
Rep Palmer
Rep Barbieri
Rep Holtzclaw
Rep Monks
Rep Scott

Rep Andrus
Rep Young
Rep Furniss
Rep Hanks
Rep Skaug
Rep Gannon
Rep Mathias

COMMITTEE SECRETARY

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MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 10, 2021

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/
EXCUSED:** None

GUESTS: Kirk Adams - Middleton School Board, Karen Echeverria - Idaho School Board Association, Andy Grover - Idaho Association of School Administrators, Jonathan Gillan - West Ada School District, Jason Hancock - Secretary of State's Office

Rep. Crane called the meeting to order at 9:00 a.m.

MOTION: **Rep. Mathias** made a motion to approve meeting minutes from February 4, 2021 and February 8, 2021. **Motion carried by voice vote.**

RS 28460: **Rep. Christensen** presented **RS 28460**. This proposed legislation was already presented and introduced for printing with amended language. Due to an error, the language was not included. **RS 28460** would allow school district employees, with an enhanced concealed weapons license, to carry a concealed weapon on school property. The amended language is included to reflect the desire of the committee.

MOTION: **Rep. Hanks** made a motion to introduce **RS 28460**.

During discussion **Rep. Christensen** provide an example. If a gun is discharged, a lawsuit is filed and a jury finds there is no recklessness, no civil penalty would be issued. He also said that there is no duty to perform for those carrying a concealed weapon. Staff would have the ability to defend themselves and their students.

**VOTE ON
MOTION:** **Motion carried by voice vote. Rep. Mathias** requested to be recorded as voting **NAY**.

RS 28432: **Rep. Troy** presented **RS 28432** clarifying that employees of Idaho public universities or colleges must not offer extra credit to students to vote or not vote or to influence a vote for or against a candidate or ballot measure. She stated that maintaining neutrality is critical, as an employee.

The committee requested the word shall be used consistently. Language in this proposed legislation uses shall and must interchangeably. The committee prefers the word shall, stating that it is a stronger word than must. When asked to change the word must to shall in the Statement of Purpose (SOP), the presenter declined.

MOTION: **Rep. Scott** made a motion to introduce **RS 28432** and change must to shall in the SOP. **Motion carried by voice vote.**

H 106: **Rep. Barbieri** presented **H 106**, eliminating the August election date. The bill will help ensure election integrity. School levies are the only items on this ballot. There are no federal or state ballot items. Elimination of this election date will provide County Clerks to clean up the voter registration lists, perform scheduled maintenance to the voting machines and provide training to election staff.

Jeff Dillon, Wilder School District, **Kirk Adams**, **Karen Echeverria**, **Andy Grover**, and **Jonathan Gillan** spoke in opposition to **H 106**. Eliminating the August election date would be devastating to school budgets and programs. School districts set their budgets in June for the following July, 13 months later. Budgets are set and then the Legislature makes its education appropriation. At that time, school districts know if their budgets fall short. When they do, the district has time to put a levy on the ballot and educate their voters for the August election. It was noted that levies make up to 40% of some rural school budgets. They said it is important to run the levies after setting their budgets in June so schools can continue to offer all of their programs. It was noted farmers have a difficult time turning out for March and May elections because they are busy in the fields. Recall elections also take place in August. The individuals testifying all asked the committee to keep the four election dates in place.

Jason Hancock testified in support of **H 106**. He said that eliminating the August election date would provide a five week window for the County Clerks offices to do scheduled maintenance, training and clean up the voter registration list leading up to the November general election. Mr. Hancock said in relation to fiscal impact, the Legislature set up sales tax for consolidated elections in counties 11 years ago. The cost for running elections is ongoing, including equipment replacement and the labor costs associated with the elections.

Idaho's country clerks are in favor of eliminating the August election date. He said that a county clerk could walk the committee through the process of list maintenance. There are several variables. **Mr. Hancock** said it can be complicated because school districts don't follow precinct boundaries. It is not uncommon for small portions of a school district to fall within a different county and voters in those area can be assigned to mail-in voting only.

MOTION: **Rep. Scott** made a motion to send **H 106** to the floor with a **DO PASS** recommendation.

During discussion, it was stated that it would be better to eliminate the March election date because it would help schools with bolstering their budgets through levies. August is a tool in the schools' toolkit. Preserve that tool for them.

VOTE ON MOTION: **Motion carried by voice vote. Reps. Furniss, Mathias**, and **Gannon** requested to be recorded as voting **NAY**. **Rep. Barbieri** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:18 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary

AMENDED AGENDA #1
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Thursday, February 11, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
H 98	Disaster Emergency, Governor's Powers	Rep. Monks
RS28507	Emergency Declarations	Rep. Monks
RS28496	At-Large Elections	Rep. Blanksma
RS28383	Post Election Ballot Audit	Rep. Young

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Crane
Vice Chairman Armstrong
Rep Palmer
Rep Barbieri
Rep Holtzclaw
Rep Monks
Rep Scott

Rep Andrus
Rep Young
Rep Furniss
Rep Hanks
Rep Skaug
Rep Gannon
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey
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MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, February 11, 2021

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/
EXCUSED:** None

GUESTS: Alex LaBeau - Idaho Association of Commerce and Industry, Jason Hancock - Idaho Secretary of State, Elizabeth Criner - JR Simplot Company, Benjamin Kelly, Food Producers of Idaho

Chairman Crane called the meeting to order at 9:00 a.m.

H 98/ RS 28507: **Rep. Monks** presented **H 98** and asked permission to jointly present **RS 28507** stating that if the committee agreed, it would replace **H 98**. Both pieces of legislation protect the separation and balance of powers between the executive and legislative branches of government; ensures all Idahoans have the right to work, provide for their families and contribute to the economy during an emergency disaster declaration; and limit emergency disaster declarations to a maximum of 60 days unless extended under certain provisions. They also clarify that the governor may not alter, adjust or suspend Idaho Code during a disaster declaration.

The following changes were made to **RS 28507**: Rules from 1998 were removed; Page 2 line 14 the words by the Governor were added; Page 2 Lines 24 and 40 the words any number of days were removed and three hundred sixty-five (365) days were added. **RS 28507** does not prohibit the Governor from being able to declare an emergency. It does allow the Legislature to be involved if the emergency goes on for a long period of time. While it allows the Governor to suspend rules to address the emergency, he or she cannot change laws during the emergency. The proposed legislation does not hinder the use of the National Guard. Neither State Emergency Fund or FEMA funds would be negatively affected.

Chairman Crane put the committee at ease at 9:18 a.m. due to technical difficulties with streaming.

Chairman Crane reconvened the meeting at 9:30 a.m.

In response to questions, **Rep. Monks** said that the Governor's Office has the authority to extend emergencies for receipt of federal funds and resources. He clarified that the conduct of Idaho state government agencies is always under the Governor's purview. If Idaho code needs to be changed during an emergency declaration, the legislature would need to be called into a special session and proposed changes would go through the regular law-making process. The Governor may extend an emergency for a specific time frame and may also end an emergency. The Legislature may also end an emergency declaration through Concurrent Resolution. If there is a violation by the Governor's Office recourse is through the court system.

Alex LeBeau, Elizabeth Criner, and Benjamin Kelly testified in opposition to **H 98**. They were confused by some of the provisions and expressed that the first section is problematic. It was expressed that the Legislature should not be involved in local emergencies. There was concern that language is not in accordance with FEMA, specifically the Stafford Act. Farmers need to have things fixed when damaged in a disaster and if the Legislature has to be called into session, there is a time lag.

Margie Baker testified in support of **H 98**, with proposed amendments, mainly changing the word must to shall throughout the legislation. She also said that a new emergency should not be allowed to be declared every 60 days.

In closing, **Rep. Monks** said that **RS 28507** is not changing the Governor's ability to declare an emergency. It puts protections into place regardless of who is leading the administration. Both for the Governor's office and the Legislature.

MOTION: **Rep. Palmer** made a motion to **HOLD H 98** in committee. **Motion carried by voice vote.**

MOTION: **Rep. Palmer** made a motion to introduce **RS 28507** and recommended it be sent directly to the second reading calendar.

SUBSTITUTE MOTION: **Rep. Gannon** made a substitute motion to introduce **RS 28507**. **Motion failed by voice vote.**

During discussion, it was noted that this proposed legislation is a reaction to what the public and the legislature saw as an infringement on constitutional rights during the pandemic. It was expressed that it is not typical to make these types of decisions during a declared emergency and that it is appropriate for the Governor to take executive action during an emergency. It was stated that if the entire legislature has to convene, it will be hard for everyone to agree quickly and that a good approach would be for the legislature to address pieces and parts of the code that are not working.

VOTE ON MOTION: **Motion carried by voice vote.** **Rep. Gannon** requested to be recorded as voting **NAY**. **Rep. Monks** will sponsor the bill on the floor.

RS 28496: **Rep. Blanksma** presented **RS 28496** to allow political subdivisions of no more than 140 voters to request that the appropriate board of county commissioners allow at-large elections rather than by district, zone or subdistrict. There are less than 40 districts that fall under this definition.

MOTION: **Rep. Scott** made a motion to introduce **RS 28496**. **Motion carried by voice vote.**

RS 28383: **Rep. Young** presented **RS 28383** to authorize the Secretary of State to order a post-election audit of election results after a general or primary election, using procedures he would provide to county clerks at least 60 days prior to the election. Conducting such an audit would increase public confidence in election results by checking the paper ballots, which exist for each and every vote cast in Idaho, against the election results that counties tabulate and report. If problems are identified with any reported election results, the Secretary of State could order the audit of additional ballots. This proposed legislation is broad because there are so many differences in how counties run their elections.

Rep. Young said that there are no audits after an election, at this time. The election equipment is certified before each election. **Jason Hancock** of the Secretary of State's Office confirmed vote counting processes differ from county to county. He said his office will work with each county to determine the audit process. If **RS 28383** is introduced the committee would like more information about the scope of the audits and how precincts or counties will be selected for an audit.

MOTION: **Rep. Armstrong** made a motion to introduce **RS 28383. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:32 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary

AMENDED AGENDA #1
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Friday, February 12, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
RS28233	College / University Budgets	Rep. Giddings
RS28499	China Sanction	Rep. von Ehlinger

COMMITTEE MEMBERS

Chairman Crane
Vice Chairman Armstrong
Rep Palmer
Rep Barbieri
Rep Holtzclaw
Rep Monks
Rep Scott

Rep Andrus
Rep Young
Rep Furniss
Rep Hanks
Rep Skaug
Rep Gannon
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey
Room: EW54
Phone: 332-1145
Email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Friday, February 12, 2021

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/
EXCUSED:** None

GUESTS: None

Vice-chairman Armstrong called meeting to order at 9:00 a.m.

RS 28233: **Rep. Giddings** presented **RS 28233** which would amend Idaho Code section 67-3515 by adding a new section requiring a separate appropriation bill for each state institution of higher education. The higher education budget is the fourth largest budget that is approved by the legislature. This proposed legislation would provide more transparency to tax payers. Currently, each school provides a budget and a budget analyst compiles all of the information into a single budget. Given that each school has its own core mission, fee structures and other variables, it is difficult to compare them side by side. Rep. Giddings stated that each college and university would be more accountable for their curriculum and extracurricular content with the transparency separate budgets would provide.

During discussion committee members expressed the desire to look at individual budgets. During a hearing they would like more background on the budgets. It was noted by a committee member that the President of Idaho State University is opposed to this legislation. The rationale for controlling the higher education budget when the state doesn't fully fund it was questioned. A committee member also asked why **RS 28233** is being heard by House State Affairs and not the Education Committee.

MOTION: **Rep. Palmer** made a motion to introduce **RS 28233**. **Rep. Palmer** made a motion to call for the previous question. **The motion carried by voice vote.**

RS 28499: **Rep. von Ehlinger** presented **RS 28499**. The memorial seeks to condemn Communist China for its deceit, duplicity, and crimes against humanity during the initial phase of the COVID-19 outbreak, and let it be known to the President and Congress of the United States that it is the position of the Idaho Legislature that Communist China should be sanctioned and otherwise punished for its misdeeds in relation to the COVID-19 outbreak. He stated that he was working with the Senator from District 11 on this proposed legislation.

MOTION: **Rep. Barbieri** made a motion to introduce **RS 28499**.

**SUBSTITUTE
MOTION:** **Rep. Skaug** made substitute motion, stating that it is the government, not the people of China, who should be sanctioned. He proposed changing the language on line 31 to read WHEREAS the Chinese government is a dictatorship and striking the word genocidal.

**MOTION
WITHDRAWN:** It was noted that language needed to be made consistent of lines 36 and 41. Given the number of edits that need to be made, **Rep. Skaug** asked unanimous consent to withdraw his substitute motion. With no objections consent was granted.

A request was made for the sponsor to also propose what actions Idaho will take to sanction China.

SUBSTITUTE MOTION: **Rep. Palmer** made an amended substitute motion to return **RS 28233** to the sponsor. **Motion carried by voice vote.** **Rep. Scott** requested he be recorded as voting **NAY**

ADJOURNMENT: There being no further business to come before the committee, the meeting was adjourned at 9:37 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Monday, February 15, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
RS28388	Campaign Finance - Account Limits	Rep. Green
RS28433	Agency Performance Measures	Rep. Young

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Crane
Vice Chairman Armstrong
Rep Palmer
Rep Barbieri
Rep Holtzclaw
Rep Monks
Rep Scott

Rep Andrus
Rep Young
Rep Furniss
Rep Hanks
Rep Skaug
Rep Gannon
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey
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Phone: 332-1145
Email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, February 15, 2021
TIME: 9:00 A.M.
PLACE: Room EW40
MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias
ABSENT/EXCUSED: Rep. Furniss
GUESTS: None

Chairman Crane called the meeting to order at 9:00 a.m.

Rep. Mathias made a motion to approve minutes from February 2, 2021 and February 3, 2021. **Motion carried by voice vote.**

RS 28388: **Rep. Green** presented **RS 28388** to allow candidates, incumbent or challenger, for either a House or Senate legislative seat to transfer up to the full balance of an established campaign account for one legislative seat into the account for a new legislative seat, as long as the total contributions from any one person or entity does not exceed the maximum allowed for either the primary or general election, during the same election cycle. This applies to both the House or Senate. Rep. Green stated this proposed legislation is of bipartisan benefit. It is especially important in a redistricting year.

In response to questions, **Rep. Green** said the money would follow the candidate and only apply to a change in legislative seats. If a candidate decides to run for a different seat, the \$1,000 donation limit per supporter stays in effect. There was a desire for clarification in language on page 1, line 14 to ensure that the money cannot be transferred to another candidate's account.

MOTION: **Rep. Monks** made a motion to introduce **RS 28388** with amended language on page 1, line 15. It should read, ...of funds to that candidate's new campaign account. **Motion carried by voice vote.**

RS 28433: **Rep. Young** introduced **RS 28433** which adds a provision to the section of Idaho Code requiring agencies to include, as one of those measures, citizen engagement and satisfaction. Some agencies are currently doing this, using tools such as online surveys. Adding this requirement will give the agencies and the legislature valuable insight into how they are perceived by the citizens they are here to serve. If an agency does not directly engage the public, it would substitute employee engagement and satisfaction.

MOTION: **Rep. Mathias** made a motion to introduce **RS 28433**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:14 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Tuesday, February 16, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
RS28256	Precinct Committeeman Qualifications	Rep. Syme
RS28587	China, Sanctions	Rep. von Ehlinger
RS28518	Immunizations, Requirements	Rep. Nichols
RS28598	Health Care Sharing Ministries	Rep. Furniss

COMMITTEE MEMBERS

Chairman Crane
Vice Chairman Armstrong
Rep Palmer
Rep Barbieri
Rep Holtzclaw
Rep Monks
Rep Scott

Rep Andrus
Rep Young
Rep Furniss
Rep Hanks
Rep Skaug
Rep Gannon
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey
Room: EW54
Phone: 332-1145
Email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, February 16, 2021

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/
EXCUSED:** None

GUESTS: None

Rep. Crane called the meeting to order at 9:00 a.m.

RS 28256: **Rep. Syme** presented **RS 28256** which revises the provisions regarding the qualifications that a precinct committeeman must be registered and reside in a voting precinct for a period of at least six months preceding his next election.

MOTION: **Rep. Skaug** made a motion to introduce **RS 28256**. **Motion carried by voice vote.**

RS 28587: **Rep. von Ehlinger** presented **RS 28587**, a Memorial that seeks to condemn the Communist Chinese government and the Chinese Communist party to its deceit, duplicity, and crimes against humanity during the initial phase of the COVID-19 outbreak, and let it be know to the President and Congress of the United States that it is the position of the Idaho Legislature that Communist China should be sanctioned and otherwise punished for its misdeeds in relation to the COVID-19 outbreak.

MOTION: **Rep. Scott** made a motion to introduce **RS 28587**.
During discussion, **Rep. von Ehlinger** responded that he will provide documentation of crimes from the Department of Homeland Security.

**VOTE ON
MOTION:** **Motion carried by voice vote.**

RS 28518: **Rep. Nichols** presented **RS 28518**, a resolution affirming the Idaho Legislature recognizes in a free society, the integrity of personal liberty and fundamental human rights should always be protected. No mandate or mechanism in Idaho law would ever permit or justify the use of forced immigrations, vaccinations, inoculations, or genetic modulations of any person, even during times of exigency or emergency, such as the ongoing COVID-19 pandemic. The resolution also states the legislature shall oppose efforts by any person or entity, including the federal government, to require, mandate, or force any person to receive immunizations, vaccinations, inoculations, or genetic modulations.
In response to questions, **Rep. Nichols** was not opposed to changing language on line 20 replacing the word *against* with contrary to.

MOTION: **Rep. Young** made a motion to introduce **RS 28518** will the following change: Line 20, replace the word *against* with contrary to.

**ROLL CALL
VOTE:** Roll call vote was requested. **Motion carried by a vote of 14 AYE, 0 NAY** Voting in Favor of the motion: **Reps. Crane, Armstrong, Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias**

RS 28598: **Rep. Furniss** presented **RS 28598**, which would provide clarifying consumer protection provisions to reduce confusion between insurance and healthcare sharing ministries offering non-insurance sharing of medical costs among their members. If printed, the bill will be referred to the Business Committee.

In response to questions, **Rep. Furniss** said many faith-based organizations can offer less expensive policies and work with pre-existing conditions. They do not fall under the Obamacare regulations and have more flexibility. The Department of Insurance does not currently regulate healthcare sharing ministries. This proposed legislation is a preemptive move to ensure people's claims are being met fairly. It would give people a place to call if they experience fraud. The National Association of Healthcare Sharing Ministries has precluded the start up of new healthcare sharing ministries. Currently there are 19 states regulating these organizations and 14 states looking at similar legislation.

MOTION: **Rep. Barbieri** made a motion to return **RS 28598** to the sponsor.

During discussion, it was noted criminal statutes are already in place to handle fraudulent activities.

VOTE ON MOTION: **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:23 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Wednesday, February 17, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
RS28575	Electrical Work, Alarms, Exemptions	Chairman Crane
RS28560	Disasters, Definitions	Rep. Young
H 104	Independent Expenditures, Disclosure	Rep. Giddings
H 107	Instrument Acknowledgement	Rep. Andrus

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Crane
Vice Chairman Armstrong
Rep Palmer
Rep Barbieri
Rep Holtzclaw
Rep Monks
Rep Scott

Rep Andrus
Rep Young
Rep Furniss
Rep Hanks
Rep Skaug
Rep Gannon
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey
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MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 17, 2021

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/
EXCUSED:** Rep. Palmer

GUESTS: None

Rep. Barbieri called the meeting to order at 9:00 a.m.

RS 28575: **Chairman Crane** presented **RS 28575** which would put two exemptions in Idaho code. The first exemption would allow firefighters to replace smoke detectors and carbon monoxide detectors in one and two family dwellings. Secondly, it would provide an exemption for the installation or replacement of a fire alarm panel communication device.

Chairman Crane declared Rule 80 stating a possible conflict of interest and stated he would be voting on the motion. He said every fire alarm is required to transmit to a monitoring company. Cellular devices have to be upgraded approximately every four years at a cost of \$600 - \$800 and it is expensive for the end user. This proposed legislation covers both cellular and radio technology. With these exemptions written into code, local government will not be able to override this law.

In response to questions, **Chairman Crane** stated currently, firemen can inform a family that their smoke detector or carbon monoxide detector is not working but they cannot replace either one. Fire code is highly regulated. This proposed legislation does not prohibit a fire department from charging for this service. It is a service that helps build positive community relations. Oftentimes, product is donated to the fire departments.

MOTION: **Rep. Monks** made a motion to introduce **RS 28575**. **Motion carried by voice vote.**

H 104: **Rep. Giddings** presented **H 104**. This legislation will amend Idaho Code Section 67-6611, including a requirement for the identity of the candidate or measure being impacted by an expenditure to be reported.

MOTION: **Rep. Crane** made a motion to send **H 104** to the floor with a **DO PASS** recommendation.

During discussion, **Jason Hancock**, Deputy Secretary of State said the proposed change does not create any challenges. The Secretary of State's office is already working on the modification.

**VOTE ON
MOTION:** **Motion carried by voice vote. Rep. Giddings** will sponsor the bill on the floor.

H 107: **Rep. Andrus** presented **H 107**. This bill will create a savings clause, similar to that contained in the RULONA legislation in 1.C 51-126, for documents acknowledged and recorded prior to the enactment of RULONA. This is done by adding a subsection to 1.C. 55-805 which provides any document recorded prior to July 1, 2017 is conclusive evidence of the validity of the document's acknowledgement. This would prevent an attack on the validity of a document's acknowledgement, similar to which occurred in the Federal Bankruptcy Case.

The process of getting something notarized involves identifying an individual, witnessing the signature and getting verbal acknowledgement that they signed the document. This legislation covers all documents notarized prior to 2017 and secures them so they cannot be called into question.

MOTION: **Rep. Hotzclaw** made a motion to send **H 107** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Andrus** will sponsor the bill on the floor.

RS 28560: **Rep. Young** presented **RS 28560** to provide definitions for Title 46, Chapter 10 of the State Disaster Preparedness Act. It is designed to draw a clean line of separation between disasters that require military authority and those that are natural disasters. This proposed legislation defines terms such as Disaster, Emergency, Militia, Epidemic, and others. The change in definition to the word Militia was made to align with the OEM's definition, established before the COVID-19 pandemic.

In response to questions, **Rep. Young** stated this proposed legislation is not intended to limit the Governor's powers. It establishes a clear line between acts of violence and other types of disasters. The Office of Emergency Management (OEM) has different annexes to address different types of disasters but the response is the same, regardless of how or why the disaster occurred. There is proposed legislation in the Senate dealing with other portions of the Disaster Preparedness Act.

MOTION: **Rep. Scott** made a motion to introduce **RS 28560**.

SUBSTITUTE MOTION: **Rep. Gannon** made a substitute motion to **RETURN RS 28560** to sponsor. **Motion failed by voice vote.**

During discussion, a member of the committee stated he has no interest in limiting the power of the Governor in responding to acts of terrorism. **Chairman Crane** said he spoke with House leadership and was told the House State Affairs Committee is not too early in introducing this bill. Committee members are interested in hearing from OEM and seeing the other Senate bills to ensure that the legislature is consistent with its desire to be involved in disasters and emergencies. It was stated Idaho is one of the only states that does not have parameters on the Governor being able to call in the militia.

VOTE ON MOTION: **Motion carried by voice vote.** **Rep. Gannon** requested to be recorded as voting **NAY**.

ADJOURN; There being no further business to come before the committee, the meeting was adjourned at 9:38 a.m.

Rep. Barbieri
Chair

Kelly Staskey
Secretary

AGENDA
HOUSE STATE AFFAIRS COMMITTEE
9:00 A.M.
Room EW40
Monday, February 22, 2021

Limited public seating will be available in the committee room. For members of the public to observe the meeting, please click on the following link:

<https://www.idahoptv.org/shows/idahoinsession/>

SUBJECT	DESCRIPTION	PRESENTER
RS28643	Ballot Collection	Rep. Moyle
S1055	Sport Shooting Ranges	Sen. Agenbroad, Rep. Moyle
H 202	Disasters, Definitions	Rep. Young

Public Testimony Will Be Taken by Registering Through the Following Link:
[Registry to Testify](#)

If you have written testimony, please provide a copy to the committee secretary.

COMMITTEE MEMBERS

Chairman Crane
Vice Chairman Armstrong
Rep Palmer
Rep Barbieri
Rep Holtzclaw
Rep Monks
Rep Scott

Rep Andrus
Rep Young
Rep Furniss
Rep Hanks
Rep Skaug
Rep Gannon
Rep Mathias

COMMITTEE SECRETARY

Kelly Staskey
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Email: hstaf@house.idaho.gov

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, February 22, 2021

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/
EXCUSED:** None

GUESTS: Benn Brocksome - Idaho Sportsmen's Association, Jason Hancock - Secretary of State's Office, Jerry Payne - Caldwell Gun Club

Chairman Crane called the meeting to order at 9:00 a.m.

RS 28643: **Rep. Moyle** presented **RS 28643**, addressing the issue of "ballot harvesting" - which is the practice of third party individuals and groups, many of them political activists or political parties, "harvesting" absentee or mail ballots from voters and then delivering them to election officials for processing and counting. This legislation would prohibit this practice by limiting ballot handling to those authorized to do so pursuant to Idaho law.

Changes to the bill that was introduced previously to the House State Affairs Committee include adding adopted children and relatives to the second degree in the definition of family and increasing the number of ballots collected and conveyed by an authorized individual to no more than six (6) at a time.

In answer to questions **Rep. Moyle** clarified other than the changes noted, the language in **RS 28643** was included in the first piece of legislation brought before the committee. The specifics of this legislation are based on the recommendations of the bipartisan Commission on Federal Election Reform, in their 2005 report Building Confidence in U.S. Elections,

MOTION: **Rep. Young** made a motion to introduce **RS 28643**.

**SUBSTITUTE
MOTION:** **Rep. Barbieri** made a **substitute motion** to introduce **RS 28643** and recommended it be sent directly to the second reading calendar.

There was concern that an individual who may not know the rules could find him or herself being charged with a felony crime if they have more than six family member's ballots in their possession. They have to knowingly break the law in order to be charged with a felony.

**VOTE ON
MOTION:** **Motion carried by a voice vote. Rep. Mathias** requested to be recorded as voting **NAY**.

S 1055: **Rep. Moyle** presented **S 1055** to clarify the legislative intent of Idaho Code 55-2604 and to remove ambiguities created by the use of the words area, expanding, and increasing. These words suggest a limitation on the use of a gun club's property where no such limitations were intended in the statute.

This legislation is designed to ensure that shooting ranges can utilize their entire properties and move their portable target throwers around the property as long as the shotfall is within the property lines. **Sen. Agenbroad** added his support and encouraged the committee to support the intent of the current law.

Ben Brocksom, Jerry Payne, and Michael Brown, Idaho State Rifle and Pistol Association all spoke in support of **S 1055** and encouraged the committee to send it to the floor with a do pass recommendation.

MOTION: **Rep. Holtzclaw** made a motion to send **S 1055** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Moyle** will sponsor the bill on the floor.

H 202 **Rep. Young** presented **H 202** to provide definitions for title 46, Chapter 10 of the State Disaster Preparedness Act.

Rep. Young acknowledged concerns about the word *terrorism* during the RS hearing. The intention of **H 202** is to draw a line of demarcation between a state of disaster emergency and acts of extreme peril. Each type of disaster, regardless of origin has a Support Annex. Each Annex lays out expected circumstances, a detailed outline of who is in charge and who is in control of decision making. Addressing acts of terrorism would be in conjunction with the federal government. This Bill also defines militia with what is currently in Idaho code. Epidemic and pandemic did not appear in code. Now they are included in this section.

In response to questions, **Rep. Young** clarified that during a response to terrorism, Idaho would be working in coordination with the Federal Government. **Rep. Young** read from Idaho's Disaster Preparedness Plan. The Governor has the same powers during acts of terrorism that he does now. Investigation to identifying terrorists and prosecuting them are still in place, as well. There is the ability to address terrorism and to address the effect of terrorism. Currently, the Governor has authority to act during a state of extreme emergency. Terrorism is covered in 46-601.

MOTION: **Rep. Scott** made a motion to send **H 202** to the floor with a **DO PASS** recommendation.

Rep. Young said the appropriate focus is on the effects of the disaster. Not the cause. It says any man-made or natural cause. She said that in response to an act of terrorism more than one annex would be triggered to act. One to address the act on terrorism and the other to address the effects of the violence. There was a concern that this legislation is making things more complicated. It was suggested that definitions be provided for *natural disaster* and *non-natural disaster*.

A committee member stated Senate State Affairs is hearing legislation that deals with extreme peril. These pieces of legislation are changing the way we look at emergencies, disasters vs. man-made attacks. Section 46-601 has not been amended, to this point. Epidemics and pandemics will fall under this section of code. Their definitions are pre-coded and were defined by experts prior to COVID-19. There were concerns that the Governor's ability to act would be more restricted with this legislation and it seems premature. It would be helpful to see other pieces of legislation related to this topic. The Governor's Power has been defined in the State of Extreme Emergency bill that has already been passed by the House. If the legislature does not agree with the Governor's actions and the disaster lasts more than 60 days, the legislature will be convened. It was also stated that the definitions are getting closer but are not quite there yet.

VOTE ON MOTION: **Motion carried by voice vote.** **Rep. Gannon** requested to be recorded as voting **NAY**. **Rep. Young** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:47 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary